

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hilary Miller	Team: Team # 7	CCRB Case #: 200404778	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/16/2004 10:40 PM	Location of Incident: East 46th Street 2nd Avenue	Precinct: 17	18 Mo. SOL 11/16/2005	EO SOL 11/16/2005	
Date/Time CV Reported Tue, 05/18/2004 10:52 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/20/2004 5:17 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Rubenstein	24550	931108	017 PCT
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Rubenstein	Discourtesy: PO Jason Rubenstein spoke obscenely and rudely to § 87(2)(b)	
B.POM Jason Rubenstein	Abuse: PO Jason Rubenstein threatened to arrest § 87(2)(b)	
C.POM Jason Rubenstein	Off. Language: PO Rubenstein made an offensive comment to § 87(2)(b) when he referred to him as a "Taliban."	
D. An officer	Discourtesy: An officer acted rudely toward § 87(2)(b) by throwing his car keys under his vehicle.	

Synopsis

This complaint was referred by the IAB to the CCRB on May 20, 2003. On May 16, 2004 PO Jason Rubenstein stopped § 87(2)(b) for backing up his livery cab in an unsafe manner. PO Rubenstein took § 87(2)(b)'s keys and driver's license. After stopping § 87(2)(b) PO Rubenstein went back to his patrol car to write out a summons. § 87(2)(b) maintained that he waited for about a half -hour while PO Rubenstein completed the summons. While he was waiting he got out of the car to retrieve "something" from the trunk. PO Rubenstein yelled, "What the fuck are you doing? Get back in the car or you will be arrested." § 87(2)(b) got back in the car. PO Rubenstein issued § 87(2)(b) a summons [§ 87(2)(b)] for "unsafe backing up." § 87(2)(b) asserted that he contested the validity of the summons. PO Rubenstein asked where he learned to drive. § 87(2)(b) responded that in "my country we drive camels." According to § 87(2)(b) PO Rubenstein responded by referring to him as a "Taliban." § 87(2)(b) maintained that PO Rubenstein's partner threw his cars keys under the car and then both officers left the scene. § 87(2)(b) called 911 and filed a complaint with the Internal Affairs Bureau.

The investigator was assigned this complaint on May 25, 2004 and was able to speak to § 87(2)(b) on May 27, 2004. At that time § 87(2)(b) added the allegation that PO Rubenstein had referred to him as a "Taliban." When § 87(2)(b) learned that he would be required to meet with the investigator to provide an official statement he indicated that he was not sure if he had the time or desire to pursue the complaint. § 87(2)(b) expressed that he would like to have a few days to consider whether he wished to proceed with the case. The investigator contacted § 87(2)(b) again on June 3, 2004 and § 87(2)(b) stated that he could not talk and would call the investigator back. When § 87(2)(b) did not call back the investigator contacted him again on June 9, 2004, at which time § 87(2)(b) expressed that he did not wish to proceed with an investigation. § 87(2)(b) confirmed that no outside party influenced his decision to withdraw the complaint. Team 7 Assistant Manager Kimberly Walters reviewed the audio tape recording upon which § 87(2)(b) stated that he wanted to withdraw the complaint. § 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: